

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DANIEL HARPER,) Case No.: 1:24-cv-01549 JLT EPG
Plaintiff,)
v.) ORDER DISMISSING ACTION WITHOUT
TAMMY CAMPBELL, et al.,) PREJUDICE FOR PLAINTIFF'S FAILURE TO
Defendants.) PAY THE FILING FEE
)
)
)
)

The Court ordered Plaintiff to pay the filing fee after finding he was not entitled to proceed *in forma pauperis* in this matter. (Doc. 18.) The Court warned Plaintiff that failure to pay the required filing fee as ordered would result in dismissal of this action. (*Id.* at 3.) More than 30 days have passed, and Plaintiff failed to pay the required filing fee. Without such payment, the action cannot proceed before the Court. *See Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

In finding dismissal is appropriate, the Court has considered the factors outlined by the Ninth Circuit for terminating sanctions, including: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). The public’s interest in expeditiously resolving this litigation and the Court’s interest in managing the docket weigh in favor of dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (“The public’s interest

1 in expeditious resolution of litigation always favors dismissal"); *Ferdik v. Bonzelet*, 963 F.2d 1258,
2 1261 (9th Cir. 1992) (district courts have inherent interest in managing their dockets without being
3 subject to noncompliant litigants). Because Plaintiff delayed the action though his failure to obey the
4 Court's order to pay the filing fee, the third factor also supports dismissal. Finally, the Court's warning
5 to Plaintiff that the matter could be dismissed satisfies the requirement of considering alternative
6 sanctions. *Ferdik*, 963 F.2d at 1262. Consequently, the *Henderson* factors weigh in favor of dismissal
7 for Plaintiff's failure to pay the filing fee as ordered. *Malone v. U.S. Postal Service*, 833 F.2d 128, 133
8 n.2 (9th Cir. 1987) (explaining that although "the public policy favoring disposition of cases on their
9 merits ... weighs against dismissal, it is not sufficient to outweigh the other four factors"). Thus, the

10 Court **ORDERS**:

11 1. Plaintiff's complaint is **DISMISSED** without prejudice.
12 2. The Clerk of Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: May 7, 2025


16 UNITED STATES DISTRICT JUDGE

17
18
19
20
21
22
23
24
25
26
27
28